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FACSIMILE TRANSMITTAL SHEET

TO: COMMISSIONER FOR PATENTS

FIRM/COMPANY: USPTO, Group Art Unit: *Not yet assigned*

FACSIMILE NUMBER: 703-872-9306

CONFIRMATION
TELEPHONE:

FROM: Anne Marie Leavy, Patent Assistant to Edward J. Lynch

DIRECT DIAL: 415.371.2217

DATE: June 17, 2005

USER NUMBER: 5121

FILE NUMBER: U.S. Serial No. 10/683,885, Atty. Docket No. 667P

TOTAL # OF PAGES: 42
(INCLUDING COVERSHEET)

MESSAGE: Attached is a *Belated Submission of Prior Art Pursuant to 37 CFR §1.99 and PTO-1449 Form* listing one reference in connection with the above-referenced application.

Please confirm receipt of this facsimile.

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CONFIDENTIALITY NOTICE

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Daren L. Stewart, et al.

For: **APPLICATOR FOR RADIATION
TREATMENT OF A CAVITY**

Serial No.: 10/683,885

Filed: October 10, 2003

Examiner:

Group:

**RELATED SUBMISSION OF PRIOR
ART PURSUANT TO 37 C.F.R.
§1.99**

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to (703) 872-9306, addressed to Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450, on June 17, 2005, in San Francisco, CA.

Anna Marie Leavy
Anna Marie Leavy

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The submitter hereby requests that the prior art (U.S. Pat. Pub. 2004/0116767) listed in the attached PTO-1449 Form be considered in the examination of the above application. The pertinent portions of this prior art reference is attached hereto and a complete copy of the prior art reference is also enclosed. This prior art could not have been earlier presented because applicant did not copy claims from application Serial No. 10/290,002 until May 27, 2005.

A copy of this submission has been served on the applicant pursuant to 37 CFR §1.248.

Please charge the fees for 37 CFR §1.17(i) (\$130.00) and 37 CFR §1.17(p) (\$180.00) to Deposit Account No. 04-1679.

Respectfully submitted,

By: _____

Edward J. Lynch

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PROOF OF SERVICE

I am a resident of the state of California, I am over the age of 18 years, and I am not a party to this application. My business address is Duane Morris LLP, One Market Plaza, Spear Tower, Suite 2000, San Francisco, California 94105. On the date listed below, I served the following document(s):

BELATED SUBMISSION OF PRIOR ART PURSUANT TO 37 C.F.R. §1.99

- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California, addressed as set forth below.

Attorneys for Applicant

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Dated: Friday, June 17, 2005

Anne Marie Leavy

